

C O V E R

FAX

S H E E T

LYNCH, COX, GILMAN & MAHAN, P.S.C.
400 West Market Street, Suite 2200 • Louisville, Kentucky 40202
Phone: (502) 589-4215 • Fax: (502) 589-4994

TO: Karen Williams
United States Patent and Trademark Office

FAX: (703) 305-3230

FROM: Scott R. Cox

DATE: July 12, 2001

No. Pages (including cover): 8

Operator: Dorothy

Re: Serial No. 09/830,527
Filing Date: April 26, 2001
Int'l Appl. No. PCT/EP99/05711
for: MICROBIAL ACTIVATION OF LAYER SILICATES
Attorney Docket: P-1027

Enclosures:

1. Response to Notification of Missing Requirements
(with copy of Notification)
2. Response to Notice of Defective Translation (with
copy of Notice)

Scott R. Cox, Attorney

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Client: _____

Client #: 410270

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Fabry, Christian, et al.
Serial No. 09/830,527
Filing Date: April 26, 2001
Int'l Appl. No. PCT/EP99/05711
Int'l Filing Date: 06 Aug 1999
Attorney Docket No. P-1027
For: MICROBIAL ACTIVATION OF
LAYER SILICATES

Box PCT
Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

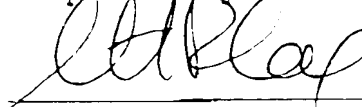
RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371

The applicants received a Notification of Missing Requirements under 35 U.S.C. 371 dated 13 June 2001, a copy of which is attached. The USPTO stated that the current translation, as filed, was defective. As stated in the Response to the Notice of Defective Translation, the applicants assert that the translation was not defective and request that the Notification be withdrawn. In addition, as the application as submitted was not defective, it is not necessary that any processing fee be paid for providing a translation of the application after the 30 month priority date.

CONCLUSION

The applicants request that the Notification of Missing Requirements under 35 U.S.C. Section 371 dated 13 June 2001 be withdrawn and the application, as filed, be submitted for review.

Respectfully submitted,



Scott R. Cox
Reg. No. 31,945
LYNCH, COX, GILMAN & MAHAN, P.S.C.
400 West Market Street, Suite 2200
Louisville, Kentucky 40202
(502) 589-4215

Enclosure: Copy of Notification

CERTIFICATE OF SERVICE

I hereby certify that this correspondence with enclosure is being forwarded via facsimile to: Karen Williams (703 305-3230), Box PCT, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231.

Dated:

July 12, 2001

Dorothy Goodlett

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410270



UNITED STATES PATENT AND TRADEMARK OFFICE

CORRECTED COPY

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. CHARACTER NO.
08/830527	FABRY	P-1027
INTERNATIONAL APPLICATION NO.		
PCT/EP99/05711		
U.S. FILING DATE	PRIORITY DATE	
06 AUG 99	30 OCT 98	

SCOTT R COX
400 WEST MARKET STREET SUITE 2200
LOUISVILLE, KY 40202

DATE MAILED

13 JUN 2001 49

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventor(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: ☐ PCT/DO/EO/917 ☒ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Karen Williams

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3688

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Fabry, Christian, et al.
Serial No. 09/830,527
Filing Date: April 26, 2001
Int'l Appl. No. PCT/EP99/05711
Int'l Filing Date: 06 Aug 1999
Attorney Docket No. P-1027
For: MICROBIAL ACTIVATION OF
LAYER SILICATES

Box PCT
Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

RESPONSE TO NOTICE OF DEFECTIVE TRANSLATION

The applicants received a Notice of Defective Translation, a copy of which is attached. In that Notice, the USPTO stated that the number of claims in the International Application and the number of claims in the translation were not the same. The applicants do not agree that there is a different number of claims.

The translation of the application, as originally filed, contained Claims 1-17 on pages 21 and 22 of the translation of the application. There were 17 claims in the International Application, as filed. Thus, the number of claims in the

International Application and the number of claims in the translation of that application were the same.

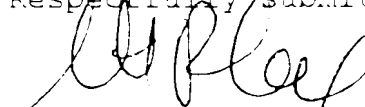
In order to make a full disclosure to the U.S. Patent and Trademark Office, the applicants included on pages 23 and 24 of the translation claims that had been amended by the applicants during prosecution before the European Patent Office. Notwithstanding, the number of claims in the International Application and the number of claims in the translation of that application were the same. Karen Williams of the USPTO acknowledged that the proper claims were submitted.

The USPTO also stated that the translation of the International Application was not complete as there was foreign text on page 1 of the translation. The applicants also discussed this matter with Karen Williams and it was agreed that there had been a complete translation of the text in the application.

CONCLUSION

The applicants request that the Notice of Defective Translation be withdrawn and the application be submitted for review. If you have any questions, please contact applicants' counsel.

Respectfully submitted,



Scott R. Cox

Reg. No. 31,945

LYNCH, COX, GILMAN & MAHAN, P.S.C.

400 West Market Street, Suite 2200

Louisville, Kentucky 40202

(502) 589-4215

Enclosure: Copy of Notice

CERTIFICATE OF SERVICE

I hereby certify that this correspondence with enclosure is being forwarded via facsimile to: Karen Williams (703 305-3230), Box PCT, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231.

Dated:

July 12, 2001

Dorothy Goodlett

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7-12-01
410270

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

THIS APPLICATION NO.	ATTACHMENT TO FORM PCT/DEED
09/830527	

NOTICE OF DEFECTIVE TRANSLATION

The received translation is defective because:

- ☐ (1) The text in the drawings has not been properly translated.
- ☒ (2) The number of claims in the International Application and the number of claims in the translation are not the same;
- ☐ (3) The translation of the International Application is incomplete as a number of pages are missing.
- ☒ (4) Other.

TRANSLATION OF INTERNATIONAL APPLICATION MUST BE AS ORIGINALLY FILED. ALL FOREIGN TEXT MUST BE TRANSLATED.

Karen Williams *KW*

Telephone: 703-305-3888

703-305-3230

FORM PCT/DO/EO/913 (September 1996)

*** RX REPORT ***

RECEPTION OK

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